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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/712,848 | 11/13/2003 | Fabio DeSisti | 7338 | 9504 |
| 55740 | 7590 | 10/05/2005 | EXAMINER | |
| GAUTHIER & CONNORS, LLP 225 FRANKLIN STREET BOSTON, MA 02110 | | | TRAN, THUY V | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2821 | |

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/712,848 | Applicant(s) DESISTI ET AL. | |
| | Examiner Thuy V. Tran | Art Unit 2821 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment submitted on 07/13/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to the Applicants' amendment submitted on July 13th, 2005. In virtue of this amendment, claims 4-5 and 11 are canceled; and thus, claims 1-3 and 6-10 are now presented in the instant application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicants' Admitted Prior Art (AAPA) Fig. 2.

With respect to claim 1, AAPA Fig. 2 shows a device for switching on and powering discharge lamps comprising a current limiting device [9], a square wave generator (not shown; see specification; page 6, lines 6-7), an igniter [11], two high tension connection cables [15], a lamp holder [16] with a discharge lamp coupled (thereto); said igniter comprises a high tension transformer [12] and overlapping transformers [13, 14]; said device is characterized in that said igniter is divided into a first stage of the igniter, or pulse generator transformer, and the high tension transformer [12], and in that said first igniter stage, or pulse generator transformer, and the high tension transformer [12] are assembled along with the above mentioned components, wherein the current limiting device module [9] is connected by two reduced section cables [OUT1, OUT2] to said first stage of the igniter, or pulse generator transformer, and further wherein said current limiting device module [9] and said first stage of the igniter, or pulse

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generator transformer, are subjected to movement and/or traction (since connection is made with cables [OUT1, OUT2]).

With respect to claim 2, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, is fixed to the lamp holder (via cables [15]).

With respect to claim 3, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, integrally moves along with the lamp holder (via cables [15]).

With respect to claim 6, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, comprises a transformer [13, 14].

With respect to claim 7, AAPA Fig. 2 shows that the first stage of the igniter, or pulse generator transformer, comprises two transformers [13, 14].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA Fig. 2 in view of Elliott (U.S. Patent No. 4,414,491).

With respect to claims 8-10, AAPA Fig. 2 discloses all of the claimed subject matter, as expressly recited in claims 1 and 6-7, except for each of the transformers being comprised of a toroidal core.

Elliott discloses, in Fig. 1, a transformer being comprised of a toroidal core [33].

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the device of AAPA Fig. 2 by employing the transformers individually configured with a toroidal core so as to obtain a reduction of the net flux when increasing the load current and that of size or dimensions since such an arrangement of the transformers with toroidal cores with the stated purpose has been well known in the art as evidenced by the teachings of Elliott (see col. 3, lines 28-31).

Remarks and conclusion

5. Applicant's arguments filed 07/13/2005 have been fully considered but they are not persuasive.

In the arguments at pages 7-8, Applicants appear to argue that *the admitted prior art Fig. 2 discloses two cables that go up to the lamp holder and since the carriage which is on the lamp-holder is fixed the high voltage cables shall have sufficient length and be subjected to wearing or risk while the claimed invention is directed to reducing the length of the cables which connects the igniter with the lamp as much as possible and as such the device is subjected to reduced wearing, less expensive, and easy movement.* In response to these arguments, a couple of points are being focused on:

- the term “reduced” and its meaning; and
- the features upon which Applicant rely: i.e. the device is subjected to reduced wearing, less expensive, and easy movement.

The term “reduced” means “being made shorter” (see Merriam Webster’s Collegiate Dictionary, Tenth Edition). Without specifying how short the cables are to be made, the term “reduced” would be understood as “sufficient in length”. The two cables [OUT1, OUT2] shown

in Fig. 2 of Applicants' Admitted Prior Art (AAPA) appear to be sufficient in length for all connections from the igniter [9] to the lamp holder [16] since no any disturbance is seen or shown. Therefore, Fig. 2 of AAPA reads on this limitation of the amended claim 1, and as such, claims 1 and its dependent claims 2-3 and 6-7 remain rejected as being anticipated by the teachings of AAPA Fig. 2.

The features upon which Applicant rely, i.e. the device is subjected to reduced wearing, less expensive, and easy movement, are not recited in the rejected claims. Therefore, these features are not considered. Applicants are noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In a similar explanation, claims 8-10 remain rejected as being unpatentable over the combined teachings of AAPA Fig. 2 and Elliott.

Upon the amendment, the objections to the drawings, abstract, and claims and rejections under 35 U.S.C. 112, second paragraph, are hereby withdrawn.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

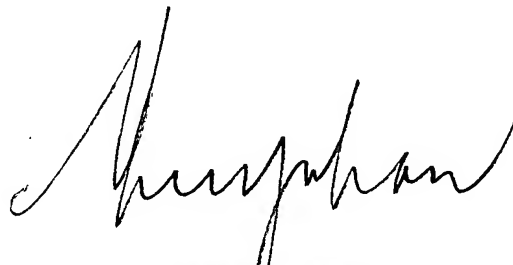
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

09/30/2005

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', is written over a horizontal line.

**THUY V. TRAN
PRIMARY EXAMINER**